

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:12-CV-37-D

SYLVIA BRINSON,)	
)	
Plaintiff,)	ORDER TO REMAND
)	TO THE COMMISSIONER
v.)	
)	
MICHAEL J. ASTRUE,)	
Commissioner of)	
Social Security,)	
)	
Defendant.)	

Pursuant to the power of this Court to remand the case to the Commissioner for further action prior to answer by the Commissioner, and in light of his request to remand this action to locate plaintiff's claim files and missing hearing tape, this Court hereby remands the cause to the Commissioner to allow search for the missing tape. If not located within a reasonable time, the Commissioner is to hold a *de novo* hearing. Upon the finding of the tape or the completion of a new hearing and issuance of a new decision, the Commissioner is directed to provide notice to this Court of its readiness to proceed.

Judgment does not enter at this time.

SO ORDERED. This 15 day of June 2012.



JAMES C. DEVER III
Chief United States District Judge